

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1030 OF 1997

Viniyog Parivar Trust & anr .. Petitioners
versus

1.Union of India & ors .. Respondents

Mr.K.K.Tated a/w Ms S.R.Kumbhat and Mr
Mohit Bhansali for Petitioners

Mr.K.R.Belosay, Assistant Government Pleader for
the Respondent no.7

CORAM : R.M. LODHA AND
D.G. KARNIK, JJ

DATED : 30th November, 2005

P.C:-

In this Public Interest Litigation, the issue that has been raised is about the illegal trade of birds in Crawford Market area in the city of Mumbai and other places in contravention of Wild life (Protection) Act, 1972 and the provisions of Prevention of Cruelty to Animals Act, 1960. In support of their grievances, the petitioners seek to place reliance upon the judgment of the Delhi High Court in the case of **Maneka Gandhi vs.Union Territory of Delhi & ors** reported in 1994 II AD (Delhi 265.)

2. The averments made in the Writ Petition do

show that there is inhuman and cruel treatment meted out to the birds which are brought within the city of Mumbai by various modes.

3. We find from the proceedings that on 24th September, 1997 after hearing the parties through their Advocates, this Court appointed a committee for implementation of the provisions of Prevention of Cruelty to Animals Act, 1960 and rules framed thereunder. The Committee constituted by this Hon'ble Court vide order dated 24th September, 1997 comprised of the following members :

- (i) Deputy General Manager, Western Railway or his nominee;
- (ii) Deputy General Manager, Central Railway or his nominee ;
- (iii) Commissioner of Police, or his nominee ;
- (iv) Deputy Conservator of Forests (Forests Division), Thane or his nominee;
- (v) Deputy Conservator of Forests (Wild Life) Mumbai or his nominee;
- (vi) Deputy Municipal Commissioner or his nominee;
- (vii) Secretary, Society for Prevention of Cruelty to Animals, who shall also act as the Convenor of the Committee;

The representatives of the petitioners were permitted to assist the Committee.

4. The functions of the Committee were spelt out

thus :

(a) to suggest ways and means to ensure compliance with provisions of Wild Life (Protection) Act, 1972 and Prevention of Cruelty to Animals Act, 1960.

(b) to recommend amendments to plug loopholes, if any, and to otherwise make the provisions of the Rules, thereunder more effective.

(c) to take immediate steps for preventing illicit trade of birds/animals and release of such birds/animals.

(d) The Committee shall visit the sensitive sites of illicit trade of birds/animals at the appropriate times as may be decided by the Committee to places like Bombay Central Station, Chatrapati Shivaji Terminus Central Railway, Goods Terminal Western Railway, Goods Terminal, Central Railway, Bombay Central S.T.Bus station, Octroi posts at Dahisar, Mulund and Vashi, Crawford Market, Bandra Market and other places and road-sides where the birds are being brought or kept for sale to find out the illicit trade of birds/animals.

5. This Court also directed that on the Committee finding illegal and illicit trade in birds, the Police Commissioner or his nominee on the Committee or the competent authority shall ensure that immediate action against the offending persons is taken. Certain other directions were also given in the order dated 24th September, 1997.

6. By an order dated 24th September, 1997 this

Court ordered expanding the Committee by including the nominees from the (i) People for Ethical Treatment to Animals, (India), (ii) All India Animal Welfare Association, (iii) In Defence of animals, (iv) People for Animals (v) Society for Prevention of Cruelties to Animals, (vi) Beauty without cruelty and representatives of Sanjay Gandhi National Park.

7. Ms Jigisha Thakore from " People For Animals (Mumbai) " was appointed as nominee of the Commiteee and Shri Dharmesh Solanki was appointed as co-covenor to act in the absence of Ms Jigisha Thakore.

8. Learned counsel for the parties appearing before us agree that the Writ Petition may be disposed of in terms of the order dated 24th September, 1997 and the re-constituted Committee as per order dated 24th September, 1997. Save and except that the Committee may be permitted to submit the report every year instead of every month.

9. Having considered the matter, we are satisfied that the Writ Petition may be disposed of in terms of the order dated 24th September, 1997 and the reconstituted Committee as per order dated 24th September, 1997.

10. We clarify that the Committee shall submit the report with the Prothonotary and Senior Master of this Court once a year instead of every month. The yearly report for the year 2005 shall be submitted on or before 15th January, 2006 and for subsequent years by the 15th January of next year.

11. No costs.

(R.M. LODHA, J)

(D.G. KARNIK, J)